

A deer was running in its usual manner היה צבי רץ כדרכו –

OVERVIEW

The משנה states if a deer was running כדרכו through someone's field and the owner said לי שדי זכתי, he does not acquire the deer (as opposed to the רישא if it was a wounded deer, then he is זוכה). It would seem that his acquiring the deer depends (only) if it is wounded or not. תוספות explains otherwise.

הוא הדין אפילו צבי שבור אם רץ אחריו ואין מגיעו –

The same law (that he does not acquire the deer) **applies even by a wounded deer**, provided that **the owner of the field cannot reach it** (before it leaves his field¹), **if he chases after it**.

תוספות explains why the משנה mentions the criteria of צבי שבור and רץ כדרכו, instead of being able or not being able to catch up with the deer:

אלא אורחא דמילתא נקט דכשרץ כדרכו אין מגיעו:²

Rather the משנה **mentions the usual case, for when a deer is running כדרכו, it cannot be caught**.

SUMMARY

One can acquire anything in his field (through קנין חצר), provided he can reach it [before it leaves his field].

THINKING IT OVER

1. What is תוספות teaching us;³ the גמרא later clearly states 'והוא שרץ אחריהן' and 'ומגיען'; why is תוספות repeating this?

2. What would be in a case (of a צבי שבור) where we are not certain whether מציאה or not; who would acquire the deer?

¹ See on the ר' ירמיה אמר ר' יוחנן. See 'Thinking it over # 1.

² The משנה could have taught us an (abstract) rule, that if you can reach it you are קונה and if not, you are not קונה; or it could have taught us the same rule in a practical sense; you can be קונה a wounded deer (because [usually] you can reach it), and you cannot be קונה a healthy deer (because you cannot reach it). The משנה chose the practical over the abstract.

³ See footnote # 1.